

State of New Hampshire Banking Department

In re the Matter of: ) Case No.: 08-BD-003  
)  
State of New Hampshire Banking ) Notice of Hearing  
)  
Department, ) September 25, 2008  
)  
and )  
)  
Family Protection Center (a/k/a )  
)  
Mortgage Protection Center), Mortgage )  
)  
Protection Center (a/k/a Family )  
)  
Protection Center), The Mortgage )  
)  
Protection Center, LLC (d/b/a )  
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Mortgage Protection Center and Family )  
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Protection Center), National Agents )  
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Alliance Insurance Agency, LLC (a/k/a )  
)  
NAA, National Agents Alliance, d/b/a )  
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www.naaleads.com, Family Protection )  
)  
Center, and Mortgage Protection )  
)  
Center), National Agents Alliance )  
)  
(a/k/a NAA, National Agents Alliance )  
)  
Insurance Agency, LLC, d/b/a )  
)  
www.naaleads.com, Family Protection )  
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Center, and Mortgage Protection )  
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Center), )  
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Respondent )  
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The Department issued the Respondent a Cease and Desist Order on August 11, 2008. Respondent filed a timely request for a hearing.

Issue 1: Respondent engaged in unauthorized and deceptive use of names of financial institutions. (RSA 384:67 under new law SB 315).

Each party has the right to have an attorney present to represent the party at the party's expense, or each party may represent itself. Each party has the right to have the Department provide a certified shorthand court reporter at the requesting party's expense. Any such request must be submitted in writing to the Department at least 5 days prior to a scheduled hearing date.

Notice of Hearing - 2

1 **New Hampshire Banking Department, 53 Regional Drive, Suite 200, Concord, NH**  
2 **03301**, for the purpose of participating in an adjudicative proceeding, at  
3 which time the Respondent will have the opportunity to show cause as to why  
4 relief sought in the Order to Show Cause should not become permanent; and

5 IT IS FURTHER ORDERED, that Maryam Torben Desfosses, Staff Attorney,  
6 New Hampshire Banking Department, is designated as Hearings Counsel in this  
7 matter with authority to represent the public interest within the scope of  
8 the Department's authority. Hearing Counsel shall have the status of a party  
9 to this proceeding;

10 IT IS FURTHER ORDERED, Presiding Officer Mary Jurta shall issue a  
11 RECOMMENDED DECISION in this matter which shall be reviewed and approved,  
12 disapproved or modified by the Banking Commissioner; and

13 IT IS FURTHER ORDERED, that any proposed exhibits shall be pre-marked,  
14 for identification only, and filed with the Department and provided to the  
15 opposing party **on or before Friday, August 26, 2008**. Hearing Counsel shall  
16 pre-mark the Department's exhibits with Arabic numbers. **Respondent shall**  
17 **pre-mark exhibits with capital letters**. An index/list of exhibits providing  
18 a brief description of each exhibit with its corresponding pre-marked number  
19 or letter shall be filed by both parties simultaneous with the filing of  
20 exhibits; and

21 IT IS FURTHER ORDERED, that the parties shall exchange a list of all  
22 exhibits and witnesses to be called at the hearing with a brief summary at  
23 the hearing, and shall at the same time file a copy of their respective lists  
24 with the Presiding Officer; and

25 IT IS FURTHER ORDERED, that all periods referenced in this notice shall  
be calendar days. If the last day of the period so computed falls on a  
Saturday, Sunday, or legal holiday, then the time period shall be extended to  
include the first business day that is not a Saturday, Sunday, or legal  
holiday; and

1 IT IS FURTHER ORDERED, that the Banking Department shall have the burden  
2 of setting forth a *prima facie* case. The Respondent shall have the burden of  
3 showing compliance with applicable law by a preponderance of the evidence; and

4 IT IS FURTHER ORDERED, that Respondent's failure to appear at the time,  
5 date, and place specified may result in the hearing being held *in absentia*  
6 and/or default ruling in favor of the Complainant, without further notice or  
7 opportunity to be heard; and

8 IT IS FURTHER ORDERED, that the entirety of all oral proceedings shall  
9 be recorded verbatim by the Department. Upon request of any party, or upon  
10 the Presiding Officer's own initiative, such record shall be transcribed by a  
11 certified court reporter designated by the Presiding Officer, and that all  
12 costs shall be borne solely by the requesting party. Any such request shall  
13 be submitted in writing to the Presiding Officer prior to hearing.

14 IT IS FURTHER ORDERED, that all documents shall be filed with the  
15 Presiding Officer in the form of an original and one (1) copy and shall bear a  
16 certification that a copy is being delivered to any other parties to this  
17 matter in accordance with New Hampshire Code of Administrative Rules BAN  
18 204.08 ("Filing Requirements"). All documents shall be filed by mailing or  
19 delivering them to the New Hampshire Banking Department, ATTN: Mary Jurta,  
20 Presiding Officer, 53 Regional Drive, Suite 200, Concord, NH 03301. Filing by  
21 facsimile or electronic transmission shall not be accepted; and

22 IT IS FURTHER ORDERED, that the parties may submit Proposed Orders,  
23 which shall include findings of fact and conclusions of law, separately  
24 stated, no later than ten (10) days following conclusion of the hearing(s) in  
25 this matter; and

IT IS FURTHER ORDERED, that routine procedural inquiries may be made by  
telephoning Abigail Shaine, General Counsel for the New Hampshire Banking  
Department, at (603)271-3561 or (603)228-9009, but all other communications  
with the Presiding Officer and with the Department shall be in writing and

1 shall be filed as provided above. *Ex parte* communications are forbidden by  
2 statute; and

3 IT IS FURTHER ORDERED, that a copy of this Notice of hearing shall be  
4 mailed to Attorney Irving D. Gordon, Sulloway & Hollis, Counsel for  
5 Respondent, 9 Capital Street, PO Box 1256, Concord, NH 03302, and to  
6 Presiding Officer Mary Jurta.

7 **SO ORDERED,**

8  
9 /S/  
10 Peter C. Hildreth  
11 Commissioner  
12 State of New Hampshire  
13 Banking Department  
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9/25/08  
Date